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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **OAKLAND DIVISION**

17 EPIC GAMES, INC.,

18 *Plaintiff, Counter-defendant,*

v.

19 APPLE INC.,

20 *Defendant, Counterclaimant.*

Case No. 4:20-cv-05640-YGR-TSH

Case No. 4:11-cv-06714-YGR-TSH

Case No. 4:19-cv-03074-YGR-TSH

21 IN RE APPLE IPHONE ANTITRUST
22 LITIGATION

**PLAINTIFFS' JOINT
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL THE JOINT DISCOVERY
LETTER BRIEF REGARDING CUE
AND FEDERIGHI DEPOSITIONS AND
SUPPORTING EXHIBITS**

23 DONALD R. CAMERON, *et al.*,

24 *Plaintiffs,*

v.

25 APPLE INC.,

26 *Defendant.*

Judge: Hon. Magistrate Thomas S. Hixson

1 Plaintiffs in the above-captioned actions bring this joint administrative motion
 2 under Civil Local Rules 7-11(a) and 79-5(d)-(e) for an order granting Plaintiffs leave to file under
 3 seal the Joint Discovery Letter Brief Regarding Cue and Federighi Depositions (the “Joint
 4 Discovery Letter Brief”) and Supporting Exhibits 1 to 7.

5 Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed
 6 if a party “establishes that the documents, or portions thereof, are privileged, protectable as a trade
 7 secret or otherwise entitled to protection under the law.” Civ. L.R. 79-5(b). Under this standard, a
 8 party seeking to seal a document generally must overcome the “strong presumption in favor of
 9 access” that applies to court documents other than those that are traditionally kept secret.

10 *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citations omitted).
 11 However, the “public has less of a need for access to court records attached only to non-
 12 dispositive motions because those documents are often ‘unrelated, or only tangentially related to
 13 the underlying cause of action.’” *Id.* at 1179 (citations omitted). Instead, a “‘good cause’ showing
 14 under Rule 26(c) [of the Federal Rules of Civil Procedure] will suffice to keep sealed records
 15 attached to non-dispositive motions.” *Id.* at 1180; *In re NCAA Student-Athlete Name & Likeness*
 16 *Licensing Litig.*, 2013 WL 3014144, at *1 (N.D. Cal. Jun. 17, 2013). A party seeking to seal such
 17 material must make a “particularized showing of good cause with respect to any individual
 18 document.” *San Jose Mercury News, Inc. v. U.S. Dist. Court, N. Dist. (San Jose)*, 187 F.3d 1096,
 19 1103 (9th Cir. 1999). Sealing requests must also be “narrowly tailor[ed].” Civ. L.R. 79-5(b).

20 Subsection (e) of Local Rule 79-5 sets forth procedures that apply when a party
 21 seeks to file information designated as confidential by an opposing party. This Administrative
 22 Motion is based on Defendant Apple Inc.’s (“Apple”) designation of information in the Joint
 23 Discovery Letter Brief and its Supporting Exhibits as “CONFIDENTIAL” or “HIGHLY
 24 CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the protective orders in the above-
 25 captioned actions. (*Epic Games, Inc. v. Apple Inc.*, No. 20-cv-05640-YGR-TSH, ECF No. 112; *In*
 26 *re Apple iPhone Antitrust Litigation*, No. 4:11-cv-06714-YGR-TSH, ECF No. 199; *Donald R.*
 27 *Cameron, et al. v. Apple Inc.*, No. 4:19-cv-03074-YGR-TSH, ECF No. 85.) Plaintiffs do not
 28

1 believe that the Joint Discovery Letter Brief and or any of the Supporting Exhibits meet the
2 standard for sealing. But at Apple's request, Plaintiffs are filing the documents in their entirety
3 under seal. Pursuant to subsection (e)(1) of Local Rule 79-5, Apple has four days to file a
4 declaration establishing that all of the designated material is "sealable" (as defined in Local
5 Rule 79-5(b)).

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1 Dated: January 19, 2021

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9 Respectfully submitted,

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E-FILING ATTESTATION

I, Lauren A. Moskowitz, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ *Lauren A. Moskowitz*

Lauren A. Moskowitz